

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16CV684-FDW
(3:11CR374-FDW)**

MICHELLE V. MALLARD,)
)
)
Petitioner,)
)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)
)

ORDER

THIS MATTER is before the Court on pro se Petitioner's Second Motion for Transcripts, (Doc. No. 6).

Petitioner placed her underlying Section 2255 motion to vacate in the prison system for mailing on September 10, 2016, and it was stamp-filed in this Court on September 23, 2016. On October 21, 2016, this Court granted Petitioner an additional sixty days in which to file a supporting memorandum. (Doc. No. 3). This Court noted that, although Petitioner sought a 120-day extension to obtain various records from her criminal action, she had already had ample time in which to obtain these documents, and the one-year limitations period under 28 U.S.C. § 2255(f)(1) was approaching.

On November 15, 2016, Petitioner filed her first motion for transcripts, in which she sought "a court order granting her to receive all transcripts pertaining to her case." (Doc. No. 4 at 1-2). She also sought an additional sixty days to file her supporting memorandum. The Court denied Petitioner's motion for transcripts, noting that Petitioner had not shown why the transcripts are necessary in this case to pursue her first and second Grounds for relief, and that

she also did not present any facts whatsoever to inform the Court how she contends her counsel was constitutionally ineffective as to her last claim. The Court noted that Petitioner could reassert a motion for transcripts if she could articulate specifically why she needs her trial transcripts to pursue her claim of ineffective assistance of counsel. Petitioner has now filed a second motion for transcripts, but she again has not articulated why she needs the transcripts to pursue her claim of ineffective assistance of counsel. That is, she has failed to argue how counsel was ineffective in her underlying criminal proceedings. Thus, Petitioner's Second Motion for Transcripts, (Doc. No. 6), is **DENIED** for the same reasons the Court denied her first motion for transcripts.

Signed: December 19, 2016



Frank D. Whitney
Chief United States District Judge

